



PATENT
Attorney Docket No. 054468-5006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Brian P. DWYER *et al.*

Application No.: 09/775,840

Confirmation No.: 2714

Filed: January 31, 2001

Group Art Unit: 1639

For: **WATER-SOLUBLE, FLUORESCENT, &
ELECTROPHORETICALLY MOBILE
PEPTIDIC SUBSTRATES FOR
ENZYMATIC REACTIONS AND
METHODS FOR THEIR USE IN HIGH-
THROUGHPUT SCREENING ASSAYS**

Examiner: My Chau T. Tran

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

U.S. Patent and Trademark Office
Commissioner For Patents
2011 Clark Place
Customer Window, Mail Stop
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

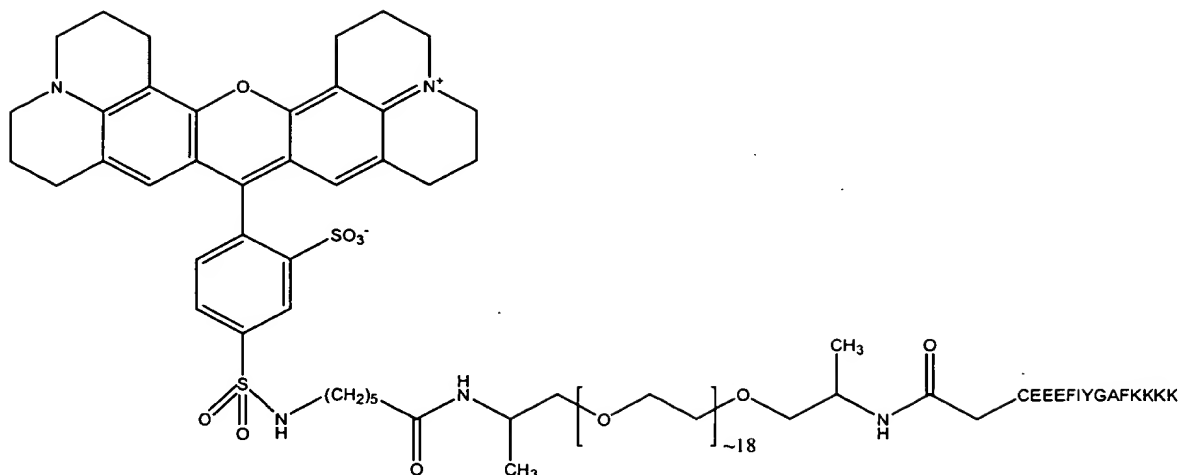
This is in response to the Office Action, dated October 3, 2003, in which the application was examined for restriction purposes only. Applicants respectfully request entry of the following remarks and provisional election. In response to the Restriction Requirement, dated October 3, 2003, the period for response to which has been extended to April 3, 2004 by the accompanying petition for a five-month extension of time, Applicants hereby elect with traverse Group VII, original claims 41, 43-52, and 54-77, which are drawn to a library of water-soluble pegylated kinase substrates, classified in class 435, subclass Dig. 35.

In response to the Examiner's requirement under 35 § 121 to elect a single disclosed species, Applicants elect the species disclosed on page 34 of the specification, which has the following structural formula:

1-WA/2154034.1

03/15/2004 SSESHE1 00000153 500310 09775840

01 FC:2255 1005.00 DA



For the Examiner's convenience, Applicants have mapped the above structure to correspond to the variables of the generic structure of formula: $*F-R_1-L_1-R_2-P_{Hc1}-P_S-P_{Hc2}-(R_3-L_2-R_4-T)_y$, wherein y is 0 as recited in claim 41. (Exhibit A, attached hereto).

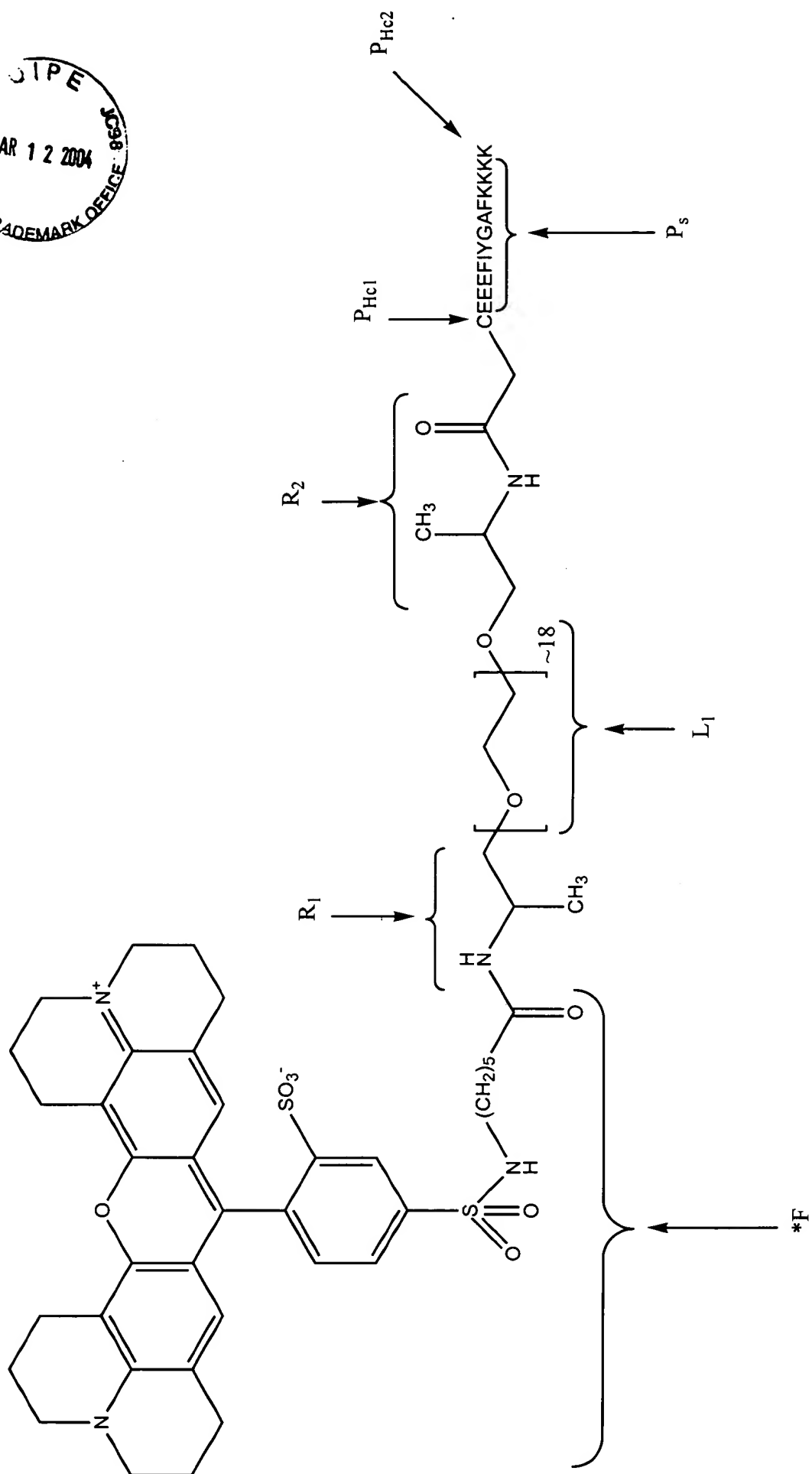
Applicants reserve the right to petition from the restriction requirement under 37 C.F.R. § 1.144. Applicants further reserve the right without prejudice to file one or more divisional, continuation, or continuation-in-part applications directed to the subject matter recited by the non-elected claims, as well as to any other matter disclosed in the application, as filed, which is not encompassed by the elected claims.

Except for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310.

Dated: March 12, 2004
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202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP

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For the portion $(R_3-L_2-R_4-T)_y$, $y = 0$; therefore $(R_3-L_2-R_4-T)$ is removed.